

FILED  
2021 DEC 2  
CLERK  
**U.S. DISTRICT COURT**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

JOHNATHAN FAY,

Plaintiff,

v.

STATE OF UTAH; PRICE CITY, UTAH;  
SALT LAKE CITY, UTAH; and DOES 1–  
50,

Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:20-cv-00621-JNP-DAO

District Judge Jill N. Parrish

Plaintiff Johnathan Fay (“Plaintiff”), proceeding pro se, sued the State of Utah; Price City, Utah; Salt Lake City, Utah; and Does 1–50 (collectively, “Defendants”). Magistrate Judge Daphne A. Oberg issued an order granting Plaintiff’s petition to proceed *in forma pauperis*, as well as a Report and Recommendation that the action be dismissed for failure to state a claim upon which relief may be granted. ECF Nos. 2, 6. Magistrate Judge Oberg notified Plaintiff that a failure to file a timely objection to the Report and Recommendation could waive any objections to it. Plaintiff did not file an objection within the allotted time.

Because Plaintiff did not object to the Report and Recommendation, he waived any argument that it was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation for Dismissal (ECF No. 6) is ADOPTED IN FULL.
2. This action is DISMISSED WITHOUT PREJUDICE.

Signed December 2, 2021

BY THE COURT  
  
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Jill N. Parrish  
United States District Court Judge